IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

CRP.No. 12 of 2007()

AGAINST THE ORDER DT.24.9.2005 IN OP(ELE.)7/1998 of I ADDL. DISTRICT COURT, PALAKKAD .

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REVN. PETITIONER: PETITIONER:

K.S.E.BOARD, REPRESENTED BY ITS SECRETARY, K.S.E.BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN(SR.)SC,KSEB
SRI.S.SUJIN

RESPONDENTS: PETITIONER

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1. **KHADEEJA, D/O.KUNHUNNI, MANITHODE HOUSE, MANGODE POST, OTTAPALAM TALUK, PALAKKAD DISTRICT (DIED).**

2. **MAMUNNI, S/O.LATE KADEEJA, RESIDING AT MANITHODE HOUSE, MANGODE POST, OTTAPALAM TALUK, PALAKKAD DISTRICT.**

3. **PATHUMMA, D/O.LATE KADEEJA, RESIDING AT MANITHODE HOUSE, MANGODE POST, OTTAPALAM TALUK, PALAKKAD DISTRICT.**

4. **KADEEJA, D/O.LATE KADEEJA, RESIDING AT MANITHODE HOUSE, MANGODE POST, OTTASPALAM TALUK, PALAKKAD DISTRICT.**

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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C.M.Appln.No.19 of 2007 &
C.R.P.No.12 OF 2007

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Dated this the 15th day of February 2007

ORDER

C.M.Appln.No.19 of 2007

This is an application filed by the petitioner in C.R.P.12 of 2007 for condonation of delay of 285 days in filing CRP. Petitioner is the KSEB. In the affidavit filed in support of C.M. Application by the Assistant Executive Engineer it is stated that the CRP is filed against order dated 24-9-2005. After disposal of the O.P. the petitioner was expecting to receive the certified copy of the judgment from the Office of the counsel engaged by the Board before the court below. But since the certified copy was not served after considerable lapse of time, the petitioner contacted the counsel at Palakkad and it is thereafter the application for certified copy of the order was preferred by the counsel on 27.6.2006. There is no mention as to who is the counsel engaged by the petitioner and what was the reason for him not to apply for a certified copy of the order impugned. This affidavit is sworn behind the back of the lawyer of the petitioner at Palakkad. There is no affidavit filed by the Lawyer at Palakkad explaining the delay

between 24.9.2005 and 27.6.2006. Further the affidavit shows that copy of the order was received on 17.7.2006 but the revision petition was filed only on 26.10.2006. There is no convincing explanation for the said delay as well. Further though the revision was filed on 26.10.2006 this CMA is filed only on 21.12.2006 and there is no explanation for that either. All these show the irresponsible manner in which matters were being dealt with by the petitioner/Board. In the circumstances, I see no reason to condone the inordinate delay of as many as 285 days in filing the C.R.P. In the result, I dismiss the C.M.Application.

C.R.P.No.12 OF 2007

C.M.Appln.No.19 of 2007 seeking condonation of delay of as many as 285 days is dismissed. Consequently, this CRP is time barred and is dismissed.

K.P.BALACHANDRAN, JUDGE

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